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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,875	03/30/2004	PEI-MING SHAN	12304-US-PA	2874
31561 7590 07/26/2007 JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			EXAMINER YENKE, BRIAN P	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 07/26/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USA@JCIPGROUP.COM.TW

## Office Action Summary

**Application No.**

10/708,875

**Applicant(s)**

SHAN ET AL.

**Examiner**

BRIAN P. YENKE

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE/Amendment (10 July 2007).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6,9,12-18 (claims 1-5,7-8,10-11 being cancelled) is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 9 is/are allowed.
- 6) ☒ Claim(s) 12-15 and 17-18 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 July 2007 has been entered.

***Response to Arguments***

2. Applicant's arguments filed 10 Jul 07 have been fully considered but they are not persuasive.

***Applicant's Arguments***

a) Applicant states that the newly added "obtaining..." limitation in claim 12 overcomes the art of record, since the claim recites sequentially sampled directly from the composite video signal and stored in a storing means, wherein the directly is prior to Y/C separation.

***Examiner's Response***

a) The examiner disagrees. Initially it is noted the base reference Kim (US 5,999, 978) discloses the concept of motion detection prior to Y/C separation, thus the argument is moot. Although, AAPA might perform motion detection from points after Y/C separation, the examiner notes, the AAPA was not utilized in the rejection of the previous claim 1 (which is very similar to now claim 12), although Kim (6,822,691) was used to illustrate the concept of utilizing more points/samples for detection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art

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to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3a. Claims 12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., US 5,990,978 in view of Kim et al., US 6,822,691 and Parikh US 6,414,719 (Fig 3).

In considering claim 12 and 17-18,

Kim discloses a motion detection scheme (4) (Figs 1-5) which detects the amounts of motion within an image **before performing** Y/C separation, where the sampling is performed a received composite video signal.

It is noted that the newly added (obtaining...) limitation only recites obtaining the samples directly from the composite video signal, wherein Kim samples the signal/detects motion in the same manner, directly from the composite signal

However, Kim only discloses determining the motion/still status of the signal using the present and previous (m-1) frames. The concept of using the additional next frame and previous(m-2) frames are conventional options available to the user/designer in determining how many frames the detection process should incorporate, where a larger number of frames would obviously require more computations, but at the same time provide a more precise motion determination as would be expected.

The examiner incorporates Kim et al. (US 6,822,691) which discloses the concept of determining/detection the amount of motion by using the claimed next, current, previous (m-1) and previous (m-2) frames (Fig 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim which discloses motion determination using the present/previous frame, by also including the next and previous (m-2) frames as done conventionally (Kim et al), in order to provide an even more accurate determination on the amount/detection of motion, which would ultimately provide the user a better displayed image.

The combination of Kim/Kim et al., does not disclose the concept of averaging the differences to obtain the motion factor.

Kim discloses a system which computes two differences and the determination of motion is based upon those results. Kim et al, discloses a system which computes a plurality of differences in order to analyze the amount of motion in the image, wherein differences between different frames (i.e. current and m-2 and previous (m-1) and next are computed).

The concept of averaging motion values in order to ascertain the status (still/motion) of the signal is conventional in the art, since an average accounts for all the computed values in determining the status.

The examiner incorporates Parikh, US 6,414,719 (Fig 3) which discloses system which averages the computed motion value differences in determining the amount of motion within an image.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim/Kim which discloses a system, including a 3D comb filter to evaluate pixels from multiple fields/frames in ascertaining the amount of motion, by average all motion values computed as done by Parikh in order to provide the status (motion/still) of the examined area.

3b. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al., US 5,990,978 in view of Kim et al., US 6,822,691, and Parikh US 6,414,719 and AAPA (applicant's admitted prior art).

Regarding claims 13-14,

Neither Kim nor Kim et al nor Parikh, disclose the conventional determining of the composite video signal being NTSC and the sampling step as recited.

However this is conventional practice in the art as recited by applicant's admitted prior art (Fig 3 and associated description), therefore since Kim discloses a 3d comb filter processing a received NTSC signal it would be obvious to sample such as done conventionally, in order to sample at the 4 times the subcarrier and when the subcarrier phase is within the conventional range. For claim 4, refer to claim 2 above.

Regarding claim 15,

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The rejection is the same as claim 3, only the signal is now PAL which is also disclosed by AAPA as being Prior Art.

### ***Conclusion***

#### ***Allowable Subject Matter***

4. Claims 6 and 9 are allowed.

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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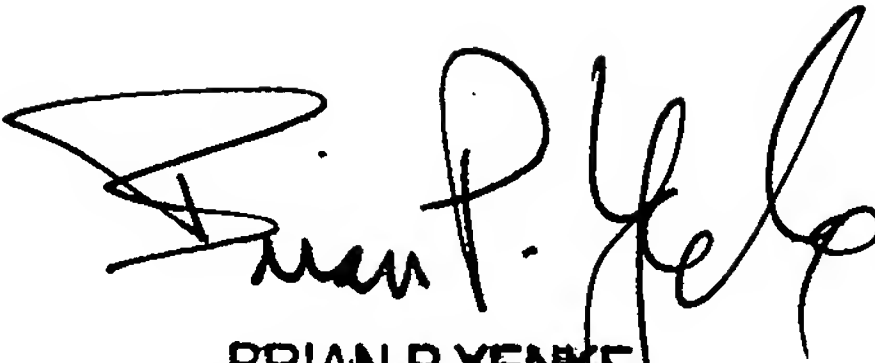
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B.P.Y.  
19 July 2007

  
BRIAN P. YENKE  
PRIMARY EXAMINER